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Attorneys for Defendant  
INTEGRITY INVESTMENT GROUP, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KEVIN R. MCLEAN,

Plaintiff,

v.

WORLD SAVINGS FSB; INTEGRITY  
INVESTMENT GROUP, LLC; GOLDEN  
WEST SAVINGS ASSOCIATION  
SERVICE CO.; SUSAN FEDERIGHI; BILL  
FORD; JEFFREY FORD; CALIFORNIA  
FRANCHISE TAX BOARD; WILLIAM L.  
VEEN,

Defendants.\_\_\_\_

No. 07-05594 JSW

**FIRST AMENDED NOTICE OF  
MOTION AND MOTION TO  
DISMISS [FRCP RULE 12 (b)(1)  
and 12(b)(6)]**

**Date: March 7, 2008**

**Time: 9:00 a.m.**

**Courtroom: Hon. Jeffrey S. White,  
Courtroom 2, 17<sup>th</sup> Floor**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that the above captioned motion, formerly noticed for February 29, 2008 at 9:00 a.m., has been changed due to unavailability of the court; and that on **March 7, 2008 at 9:00 a.m.**, before the Hon. Jeffrey S. White, United States District Court, Courtroom 2, 17<sup>th</sup> Floor, 450 Golden Gate Avenue, San Francisco, California 94102, pursuant to Federal Rule of Civil Procedure Rule 12(b)(1) and 12(b)(6), Defendant Integrity Investments, LLC, specially

1 appearing herein, will move the court for an order dismissing this case with prejudice, on the  
2 grounds that 1) under Rule 12(b)(1), the court is without subject matter jurisdiction to hear and  
3 determine the claims against this defendant because there is no federal question or other federal  
4 subject matter jurisdiction over the alleged state law non-judicial foreclosure or eviction action; and  
5 2) pursuant to Rule 12(b)(6), without prejudice to the alternate motion, the complaint fails to state  
6 a claim for relief against this defendant because it is a bona fide third party purchaser for value at  
7 the sale.

8 The motion will be based upon this First Amended Notice; the Memorandum of Points &  
9 Authorities, previously filed and served herein; and such other evidence and argument as may  
10 presented by the moving party at or prior to the hearing of the motion.

11 Dated: January 23, 2008

LAW OFFICES OF MARK J. ROMEO

12 By /s/Mark J. Romeo  
13 MARK J. ROMEO  
14 Attorneys for Defendant  
15 INTEGRITY Investment Group LLC  
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**PROOF OF SERVICE**

I am employed in the City and County of San Francisco, California. I am over the age of 18 years and not a party to the within action; my business address is 130 Sutter Street, 7<sup>th</sup> Floor, San Francisco, CA 94104.

On January 23, 2008, I served the foregoing document(s) on the interested party(ies) in this action by placing        a true copy XX the original of said document(s) in a sealed envelope(s) addressed as stated below and

**BY MAIL**

☒ I deposited such envelope(s) in the mail at San Francisco,

       I am "readily familiar" with the office's practice of collection and processing correspondence for mailing. Under that practice, the mail would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**BY PERSONAL SERVICE**

       Personally hand delivered said document(s) to addressee

       I caused said document(s) to be served via personal service

**BY OVERNIGHT MESSENGER**

       I caused said document(s) to be served by for next-day delivery, by agreement with tenants

**BY FACSIMILE**

       And I faxed such document(s) to telephone number. A transaction report confirming a successful transmission was obtained.

**BY certified or registered mail**

       I deposited such envelope(s) in the mail at San Francisco, California with the U.S. postal service on that same day with postage thereon fully prepaid, certified mail, return receipt requested.

**PARTY(IES) SERVED:****Plaintiff**

KEVIN R. MCLEAN

LAW OFFICES OF BELLI & MCLEAN

473 Jackson Street, Second Floor

San Francisco, CA 94111

**Defendants World Savings, Golden West Savings Association Service Company**

JACK R. NELSON

R. EUNA KIM

REED SMITH LLP

POB 7936

San Francisco, CA 94120-7936

**Defendants Bill Ford, Jeffrey Ford, Susan Federighi**

BILL FORD

1455 Sierra Drive

Pacifica, CA 94044

**DOCUMENT(S) SERVED:****First Amended Notice of Motion**

☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 23, 2008 at San Francisco, California.

Mark J. Romeo

Type or Print Name

/s/ Mark J. Romeo

Signature